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JOHN R. ASHCROFT
SECRETARY OF STATE
STATE OF MISSOURI

ELECTIONS DIVISION
(573) 751-2301

August 17, 2021

The Honorable Nicole Galloway
State Auditor
State Capitol Building
Jefferson City, MO 65101

RE: Petition approval request from Andrew Brain regarding a proposed constitutional amendment to Article VIII (2022-056)

Dear Auditor Galloway:

Enclosed please find an initiative petition sample sheet for a proposal to amend the Missouri Constitution filed by Andrew Brain on August 17, 2021.

We are referring the enclosed petition sample sheet to you for the purposes of preparing a fiscal note and fiscal note summary as required by Section 116.332, RSMo. Section 116.175.2, RSMo requires the state auditor to forward the fiscal note and fiscal note summary to the attorney general within twenty days of receipt of the petition sample sheet.

Thank you for your immediate consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Ashcroft", written in a cursive style.

John R. Ashcroft

cc: Hon. Eric S. Schmitt
Sheri Hoffman
Trish Vincent

STAPLE
HERE

It is a class A misdemeanor punishable, notwithstanding the provisions of section 560.021, RSMo, to the contrary, for a term of imprisonment not to exceed one year in the county jail or a fine not to exceed ten thousand dollars or both, for anyone to sign any initiative petition with any name other than his or her own, or knowingly to sign his or her name more than once for the same election, or to sign a petition when such person knows he or she is not a registered voter.

INITIATIVE PETITION

Page No. _____

To the Honorable John R. Ashcroft, Secretary of State for the state of Missouri: _____ County (or city of St. Louis), respectfully order that the following proposed amendment to the constitution shall be submitted to the voters of the state of Missouri, for their approval or rejection, at the general election to be held on the 8th day of November, 2022, and each for himself or herself says: I have personally signed this petition, I am a registered voter of the state of Missouri and _____ County (or city of St. Louis); my registered voting address and the name of the city, town or village in which I live are correctly written after my name.

RECEIVED
2021 AUG 17 AM 9:04
John R. Ashcroft
AND SEC OF STATE

CIRCULATOR'S AFFIDAVIT

STATE OF MISSOURI, COUNTY OF _____, I, _____, being first duly sworn, say (print names of signers)

	Signature	Date Signed	Registered Voting Address	Zip Code	Cong. District	Printed First and Last Name
1						
2						
3						
4						
5						
6						
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10						

signed this page of the foregoing petition, and each of them signed his or her name thereto in my presence; I believe that each has stated his or her name, registered voting address and city, town or village correctly, and that each signer is a registered voter of the state of Missouri and _____ County (or city of St. Louis). FURTHERMORE, I HEREBY SWEAR OR AFFIRM UNDER PENALTY OF PERJURY THAT ALL STATEMENTS MADE BY ME ARE TRUE AND CORRECT AND THAT I HAVE NEVER BEEN CONVICTED OF, FOUND GUILTY OF, OR PLED GUILTY TO ANY OFFENSE INVOLVING FORGERY. I am at least 18 years of age. I do _____ do not _____ (check one) expect to be paid for circulating this petition. If paid, list the payer: _____

Signature of Affiant (Person obtaining signatures)	Street Address of Affiant	Subscribed and sworn to before me this _____ day of _____, A.D. _____
Printed Name of Affiant	City, State and Zip Code of Affiant	Signature of Notary
		Address of Notary

(Seal)

NOTICE: The proposed amendment revises Article VIII of the Constitution by adopting six new Sections to be known as Article VIII, Sections 24, 25, 26, 27, 28, 29, and 30.

Be it resolved by the people of the state of Missouri that the Constitution be amended:

Section A. Article VIII of The Constitution is revised by adopting six new Sections to be known as Article VIII, Sections 24, 25, 26, 27, 28, 29, and 30 to read as follows:

Section 24. 1. Every voting machine used to conduct an election in the State of Missouri shall be tested and certified as secure prior to each election in which the machine will be used. Such testing and certification shall meet all federal standards.

2. Every voting machine used to conduct an election in the State of Missouri shall produce an individual, permanent paper record for each vote cast, which shall be made available for inspection and verification by the voter at the time the vote is cast. Such individual, permanent paper record shall be preserved for use in any election audit.

3. The candidate or their designee shall have the right to be present whenever paper ballots or the permanent paper records produced by electronic voting machines are counted, audited, or placed in storage.

4. Nothing in this Section shall be construed in such a way as to limit overseas servicemembers' access to secure voting options.

Section 25. 1. Beginning at the August 2024 primary election, and notwithstanding any other provision of law to the contrary, primary elections for all statewide offices, members of the Missouri General Assembly, U.S. Senator, U.S. Representative, elective offices of county governments, circuit and associate circuit judges who are not selected under Article V, Section 25 of the Missouri Constitution, and all public offices within any political subdivision that are filled through partisan elections, shall be open primaries where the four candidates for each office receiving the most votes advance to the general election.

2. Primary ballots for all statewide offices, members of the Missouri General Assembly, U.S. Senator, U.S. Representative, elective offices of county governments, circuit and associate circuit judges who are not selected under Article V, Section 25 of the Missouri Constitution, and all public offices within any political subdivision that are filled through partisan elections, shall meet the following criteria:

- (1) All candidates for an office shall appear on a single ballot.
- (2) Primary ballots shall include space for a write-in candidate for such offices.
- (3) Should any primary ballot include elected offices for established political parties, the inclusion of which requires printing separate primary ballots for each established political party, all candidates for each public office filled through processes described in Sections 25 and 26 of this Article shall appear on the primary ballots of each established political party regardless of any candidate's political affiliation.

3. In the primary election for all statewide offices, members of the Missouri General Assembly, U.S. Senator, U.S. Representative, all elective offices of county governments, circuit and associate circuit judges who are not selected under Article V, Section 25 of the Missouri Constitution, and all public offices within any political subdivision that are filled through partisan elections, a qualified voter shall be permitted to cast a vote for any candidate for whom that voter is otherwise eligible to vote, regardless of candidates' party affiliations or lack thereof.

4. The four candidates for each office receiving the most votes in the primary election shall advance to the general election for that office. Only those candidates shall appear on the general election ballot.

5. If two or more candidates receive an equal number of votes for the same office, such that there is a tie for fourth place, the officer with whom such candidates filed their declarations of candidacy shall determine the fourth place candidate whose name will appear on the general election ballot by lot, after notifying each candidate who received an equal number of votes of the time and place of such drawing at least five days before the drawing. Any such candidate

who received an equal number of votes may decline to have his or her name put into such drawing. The name of any candidate who declines to have his or her name put into such drawing shall not appear on the general election ballot.

Section 26. 1. Beginning at the November 2024 general election, and notwithstanding any other provision of law to the contrary, general elections for all statewide offices, members of the Missouri General Assembly, U.S. Senator, U.S. Representative, elective offices of county governments, circuit and associate circuit judges who are not selected under Article V, Section 25 of the Missouri Constitution, and all public offices within any political subdivision that are filled through partisan elections, shall be approval voting elections in which a qualified voter shall be permitted to select as many candidates as they approve of for each office, and the candidate for each office receiving the most votes shall be elected.

2. Results for each approval voting election shall be tabulated and presented as the total number of votes for a candidate divided by the total number of ballots cast by all qualified voters in that election.

3. The ballot shall be simple and easy to understand, consistent with best practices.

4. Instructions on the general election ballot shall include the following statement for each race: "Vote for AS MANY names as you approve."

5. Beginning at least ninety days before the first election utilizing the approval voting system, the Secretary of State and local election authorities shall conduct a voter education campaign to familiarize voters with the approval voting system.

Section 27. Beginning August 1, 2024, the primary and general election processes described in Sections 25 and 26 of this Article shall apply to every vacancy that occurs in a statewide office, an office of a member of the Missouri General Assembly, or an office of a member of either house of the United States Congress that the law requires is to be filled through a special election.

Section 28. Notwithstanding Section 2(b) of Article XII of this constitution, any amendment affecting Sections 24, 25, 26, 27, 28, 29 or 30 of this Article shall be submitted to the electors for their approval or rejection at a general election, and not at any other election.

Section 29. The Secretary of State shall issue rules and regulations necessary to implement Sections 24 to 28 of this Article. No rule or portion of a rule promulgated under the authority of such Sections shall become effective unless it has been promulgated pursuant to the requirements provided by law.

Section 30. If any provision of Sections 24, 25, 26, 27, 28, or 29, or the application thereof to anyone or to any circumstance is held invalid, the remainder of those provisions and the application of such provisions to others or other circumstances shall not be affected thereby.